

REMARKS

This communication is in response to the duplicate restriction requirement in the Office Action of August 17, 2007, and is further to the amendment filed on May 3, 2007 in response to the Office Action of April 6, 2007. A telephone interview is respectfully requested as soon as the Examiner has time to review this response, in the hope of advancing this application to allowance as early as possible.

It is respectfully requested that the Examiner indicate the status of the amendment of May 3, 2007 in the next communication, since the Office Action of August 17, 2007 did not indicate whether or not the previous amendment had been entered and considered.

In the foregoing claim listing, some additional minor amendments have been made in some of the claims for consistency in terminology throughout the independent and dependent claims, and also to change the dependency of claims 46 to 49 so that they now depend from an allowable generic claim. Additionally, the status identifiers have been corrected to indicate which claims are withdrawn following the election requirement, as discussed in more detail below.

Election Requirement

In the current Office Action, the Examiner has again required election between several distinct species as listed in paragraph 1 of the detailed action. It is pointed out that the current election requirement is substantially identical to the election requirement of October 23, 2006, and our response of November 20, 2006 already elected Species I, Figures 1 to 6, for examination, without traverse. Applicant hereby affirms the previous election of Species I, Figures 1 to 6 in response to the current, duplicate election requirement. As stated in the original election of November 20, 2006, original claims 1, 2, 8 to 10, 14, 17 to 20, 22, 23, 45 to 48 and 51 were generic, while claims 3,5, 6, 12, 15, 25, 26, 30, 32, 35-37, 40, 41, 49, and 53 to 55 were readable on the elected species.

At the same time, Applicant requests an indication of the status of the amendment which was filed on May 3, 2007 in response to the Office Action on the merits which was mailed on April 6, 2007. In the amendment of May 3, 2007, a number of claims were canceled (specifically claims 1, 9, 45, and 51 to 55), but the current election requirement lists claims 1 to 56 as subject to the restriction requirement. It is respectfully requested that the next communication in this application indicates the current status of the claims and whether the amendment of May 3, 2007 has been entered.

As regards the claims which remain in this application, following the amendment of May 3, 2007, and the current amendment, claims 2, 8, 10, 14, 17 to 20, 22, and 23 are generic, while claims 3, 5, 6, 12, 15, 25, 26, 30, 32, 35-37, 40, 41, 46-48 and 49 are readable on the elected species.

Information Disclosure Statements

Accompanying this response is an Information Disclosure Statement bringing to the Examiner's attention some additional prior art references. It is respectfully requested that the Examiner consider and make the additional references of record in this application. The Examiner has not yet indicated whether he has considered the references cited in the three previous Information Disclosure Statements filed in this application. It is therefore also requested that the Examiner review and make of record the references listed in the Information Disclosure Statements filed in February 2004, November 20, 2006, and August 9, 2007 in the next communication in this application.

Allowable Subject Matter

In the Office Action of April 6, 2007, the Examiner indicated that claims 10, 36, 37, 40, 41, and 56 would be allowable if rewritten independently. In the amendment filed on May 3, 2007, claims 10, 36, 40, 41, and 56 were rewritten as independent claims, and it was hoped that this would result in early allowance of this application. Amended claim 10 includes the subject matter of canceled claims 1 and 9, claims 36, 40, and 41 include the subject matter of canceled claim 1 and of claim 35, and claim 56 includes the subject matter of canceled claims 45, 51, and 53. The only change made in the independent claims in the current amendment is to change "user engagement means" to "user engagement device", for consistency with the terminology in some of the dependent claims. It is submitted that this minor change should not affect the allowability of these claims. It is therefore submitted that independent claims 10, 36, 40, and 41 should now be allowable, along with claims 2 to 8, 11 to 35, 39, 43, and 44 which depend from allowable claim 10, claims 37, 38, and 42 which depend from allowable claim 36, and claims 46 to 50 which depend from allowable claim 40. The status of claim 56 is uncertain since this claim is drawn to a non-elected species. If necessary, this claim will be canceled in order to place this application in order for allowance.

It is noted that all of the claims which are withdrawn as a result of the foregoing election are now dependent on an allowable generic claim, apart from claim 56, and it is therefore submitted that these claims should be allowable.

Conclusion

It is submitted that the foregoing response deals with the election requirement as well as all other outstanding grounds of rejection, and that claims 2 to 8, 10 to 44, and 46 to 50 are now in condition in all respects for allowance. Early notice to this effect is earnestly solicited. As noted above, Applicant is willing to cancel claim 56 if necessary for allowance of the application.

As noted above, if the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Respectfully submitted,
Procopio, Cory, Hargreaves & Savitch LLP

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By: Katherine Proctor
Katherine Proctor
Reg. No. 31,468

Customer No. 27189
Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, California 92101-4469
(619) 238-1900